

IN RE:

MIGUEL LEONARDO ALVAREZ BENITEZ  
CARMEN DOLORES CASANOVA TOLEDO  
DEBTOR(S)

CASE NO. 13-01647-BKT  
CHAPTER 13

**\*\*AMENDED DOCUMENT\*\***

### TRUSTEE'S REPORT ON CONFIRMATION

1. A meeting of creditors pursuant to Section 341 was held on **April 09, 2013**. The meeting was (was not) duly attended by debtor(s) and their attorney.
2. The liquidation value of the estate is: To be determined
3. With respect to the attached payment plan:

AMENDED PLAN DATE: October 28, 2013

PLAN BASE: \$74,818.81

TRUSTEE'S COMMENTS AND RECOMENDATIONS DATED: 12/5/2013

FAVORABLE

UNFAVORABLE

**1. [X] FEASIBILITY 11 USC § 1325(a)(6):**

(1) Lump Sum in the amount of \$67,018.81 is not feasible since the real property do not has sufficient equity to sustain the same. (2) Debtors are in arrears with the plan payments in the amount of \$150.00 (current month).

**2. [X] INSUFFICIENTLY FUNDED § 1325(b):**

Plan is insufficiently funded to pay priorities proof of claims #14 and #15 filed by Department of Treasury.

**3. [ ] UNFAIR DISCRIMINATION § 1322(b):**

**4. [ ] FAILS LIQUIDATION VALUE TEST § 1325(a)(4):**

**5. [ ] FAILS DISPOSABLE INCOME TEST § 1325(b)(1)(B):**

**6. [ ] DOES NOT PROVIDE FOR SECURED CREDITOR § 1325(a)(5):**

**7. [X] OTHER:**

(1) Clarify attorney's fees in plan; as per disclosure of compensation of attorney for debtors and Statement of Financial Affairs, Item #9, filed at docket #1, prior to the filing of the voluntary petition, counselor received the amount of \$1,100.00; however, proposed plan reflects \$400.00 paid prior filing. (2) Plan should clarify treatment to Scotiabank. If will be paid directly out of the plan, debtors' plan should disclose that Trustee will not make disbursements to Scotiabank since debtors are agree with the lift of stay in favor of creditor. (3) Regarding Tax Refunds language, trustee suggest the following: Any post-petition tax refund that the debtor(s) would be entitled to receive during the term of the plan will be used to fund this plan. After its confirmation, and without further notice, hearing or Court order the plan shall be deemed modified by increment(s) to its base in an amount equal to the amount equal of each tax refund. 4) Objection to Exemptions regarding amounts claimed in excess pursuant 522(d)(1).

NOTICE: This report anticipates Trustee's position as per 11 USC § 1302(b)(2) a copy of which has been served upon counsel for debtor(s). Copies are available to parties in interest at the Trustee's Office.

Atty Fee:\$3,000.00 /\$1,100.00/\$1,900.00

/s/ Miriam Salwen Acosta  
Miriam Salwen Acosta

Atty: JUAN O CALDERON

USDC # 208910  
**ALEJANDRO OLIVERAS RIVERA**  
Chapter 13 Trustee  
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